SINGLE BENCH (B)

C.D. 1001

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION (S) No. 3715 Of 2006

PETITIONER : Banshi Lal Sahu S/o Shri Kunj Ram Sahu , aged about 51 years, Resident of Village Matiya, Post Gurra, Via Bhatapara, District Raipur (CG).

P.R. No. 3784/06
Presented by Shri Akash Anjhaoon
dated 20/9/06

VERSUS

RESPONDENTS : 1. The General Manager, Cement Corporation of India Limited, Through, its Secretary Employees Contributory Provident Fund Trust, C.C.I. Office, Core-5 SCOPE Complex , Lodhi Road, New Delhi 110003

OATH COMMISSIONER
APARNA MALVIYA
CG-2073/96
Bilaspur Chhattisgarh

2. The General Manager , Cement Corporation of India Limited , Akaltara Cement Factory, Akaltara , District Janjgir Champa (CG).

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA

(58)

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक WP(C) 3715 सन् 2006

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

26.7.2006:-

Shri Rakesh Anthony, counsel for the petitioner.

Heard.

The main grievance raised by the petitioner in this writ petition is that the petitioner was working on the post of bags binder in the respondent No.2 factory. On 16-7-2003 the petitioner applied for voluntary retirement and he was allowed to retire voluntarily. The petitioner requested the respondents for final settlement of PF dues vide application dated 1-8-2003 and to pay the same. When the petitioner did not receive the payment of P.F., he sent a telegram. When the petitioner again visited Akaltara Cement Factory, the Manger informed him that DD No.179510 dated 24-1-2004 amounting to Rs.1,49,593 has already been sent vide letter dated 30th January 2004. On receiving the information, the petitioner met the respondent No.2 and said that he has not received the DD as yet. The Manager informed the CCI vide letter dated 21-5-2004 that the petitioner has not received the DD due to wrong address. On account of gross negligence and fault on the part of respondent No.1 the petitioner has not yet received any PF dues. Respondent No.2 informed the petitioner vide letter dated 29-9-2004 that DD has been encashed by some other person namely, Banshilal Sahu against whom Akaltara Factory lodged an FIR at the Police Station, but the amount has not been paid to the petitioner. Therefore, respondents be directed to pay an amount of Rs.1,49,593/- with interest @ 18%.

Learned counsel for the petitioner submitted that in the circumstances, the petitioner may be allowed to make a representation to respondent No.1 and he be directed to decide the same.

P.T.O.

(59)

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ..... सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	Having heard learned counsel for the petitioner, having regard to the facts and circumstances of the case, and without expressing any opinion on the merit of the case, the prayer made by learned counsel for the petitioner is just, fair and reasonable. Therefore, the petitioner is allowed to make a detailed representation along with a copy of this petition to respondent No.1 within a period of 10 days from today and in turn, respondent No.1 is directed to decide the representation of the petitioner within a period of 60 days from the date of receipt of the representation, after considering all the points raised by the petitioner, in accordance with law. If respondent No.1 reaches to the conclusion that the amount due to the petitioner has not been paid to him, then he should pass order regarding payment, in accordance with law. With the direction aforesaid, the petition stands disposed of. Parties are entitled for certified copy of this order. Sd/- L.C. Bhadoo Judge	

Barve

P.T.O.